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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 VINCENT L. FIELDS,

9 Petitioner,

10 v.

11 UNITED STATES OF AMERICA,

12 Respondent.  
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CASE NO. C18-1572JLR

ORDER AFFIRMING ORDER DENYING  
PETITIONER'S MOTION TO RECUSE

14 This matter is before the Court on Petitioner's Motion to Recuse and Disqualify Judge  
15 Robart from Further Proceedings as They Relate to Petitioner Vincent L. Fields. Dkt. #17. Judge  
16 Robart denied the Motion, declining voluntary recusal. Dkt. #18. Pursuant to the Court's Local  
17 Civil Rules, Judge Robart referred the matter to the Undersigned. *Id.*; LCR 3(f).

18 A "judge of the United States shall disqualify himself in any proceeding in which his  
19 impartiality might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also must  
20 disqualify themselves in circumstances where they have "a personal bias or prejudice concerning  
21 a party, or personal knowledge of disputed evidentiary facts concerning the proceeding." 28  
22 U.S.C. § 455(b)(1). Similarly, recusal is appropriate

23 [w]henver a party to any proceeding in a district court makes and files a timely  
24 and sufficient affidavit that the judge before whom the matter is pending has a  
personal bias or prejudice either against him or in favor of any adverse party . . . .

1 28 U.S.C. § 144.

2 Under both section 144 and section 455, recusal of a federal judge is appropriate if “a  
3 reasonable person with knowledge of all the facts would conclude that the judge’s impartiality  
4 might reasonably be questioned.” *Yagman v. Republic Insurance*, 987 F.2d 622, 626 (9th Cir.  
5 1993). This is an objective inquiry concerned with whether there is the appearance of bias, not  
6 whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir. 1992); *United*  
7 *States v. Conforte*, 624 F.2d 869, 881 (9th Cir. 1980).

8 Petitioner’s Motion establishes that it is premised on his subjective perception of bias  
9 because of Judge Robart’s rulings in Petitioner’s case. Petitioner first points to Judge Robart’s  
10 denial of his section 2255 motion. Dkt. #17 at 1–2. Additionally, Petitioner argues that Judge  
11 Robart improperly denied him a certificate of appealability and that he should have been entitled  
12 to a certificate of appealability.<sup>1</sup> *Id.* at 4–5. But, “a judge’s prior adverse ruling is not sufficient  
13 cause for recusal.” *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor*  
14 *v. Regents of Univ. of Cal.*, 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias  
15 must stem from an extrajudicial source.”). Motions for recusal are not the proper process to seek  
16 reconsideration of a prior order. Petitioner may seek review of Judge Robart’s prior orders in a  
17 manner consistent with the applicable rules of procedure.

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24 <sup>1</sup> Notably, Petitioner does not point to any text or analysis indicative of bias and relies only on  
the fact that Judge Robart did not grant the relief sought.

1           Petitioner has failed to set forth a reasonable basis upon which Judge Robart's  
2 "impartiality might reasonable be questioned." Accordingly, the Court finds and ORDERS that  
3 Judge Robart's Order (Dkt. #18) declining to recuse himself is AFFIRMED. The Clerk shall  
4 mail a copy of this Order to Petitioner at his last known address.

5           DATED this 29 day of October, 2019.

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8           RICARDO S. MARTINEZ  
9           CHIEF UNITED STATES DISTRICT JUDGE  
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